

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

EPIC GAMES, INC.,
Plaintiff,

v.

APPLE INC.,
Defendant.

Case No. 20-cv-05640-YGR (TSH)

DISCOVERY ORDER

The parties have filed many objections to the Special Masters' privilege determinations and related motions to seal. The Court rules on a number of them as follows.

A. ECF 1191 (Epic's Objections)

The parties have made literally hundreds of filings related to their objections to the Special Masters' determinations. In an attempt to facilitate review of these filings, the Court ordered the parties to lodge hard copies. ECF No. 1468. The Court's order specified certain information to be provided, but then included a catch all request: "If there are any other items the Court should consider in ruling on the objection (such as another filing that states a dispute has been narrowed or resolved), those shall be included in succeeding lettered tabs."

For ECF No. 1191, the Court ruled on most of Epic's objections already, but ordered Apple to resubmit Entries 2522-2527 and 665. One thing the Court should consider in ruling on Epic's objections concerning those Entries is Apple's resubmission of those exhibits. Yet there is nothing in the hard copy submission that tells the Court where to look to find those items. The Court therefore **OVERRULES** Epic's objections with respect to those Entries for failure to comply with the Court's order at ECF No. 1468.

With respect to the motion to seal at ECF No. 1192, Apple's proposed order at ECF No.

1248-3 is **GRANTED**.

B. ECF 1213 (Epic's Objections)

The Court **OVERRULES** Epic's objections as to Entries 1166, 1167, 1301 and 1302 for failure to comply with the Court's order at ECF No. 1468.

With respect to the motion to seal at ECF No. 1201, Apple's proposed order at ECF No. 1258-4 is **GRANTED**.

C. ECF No. 1202 (Epic's Objections)

The Court **OVERRULES** Epic's objections as to Entry 79 for failure to comply with the Court's order at ECF No. 1468.

With respect to the motion to seal at ECF No. 1203, Apple's proposed order at ECF No. 1258-4 is **GRANTED**.

D. ECF No. 1215 (Epic's Objections)

Epic's objection concerning Entry 7796 is **SUSTAINED**.

Epic's objections concerning Entries 7806, 7825, 8173 and 11577 are **OVERRULED**.

With respect to the motion to seal at ECF No. 1216, Apple's proposed order at ECF No. 1269-3 is **GRANTED**.

E. ECF No. 1244 (Apple's Objections)

Apple's objections concerning Entries 1787 and 3989 are **OVERRULED**.

Apple's objections concerning Entries 1800, 4513 and 4570 are **SUSTAINED**.

Apple's motion to seal at ECF No. 1243 is **GRANTED**. Apple shall file the redacted privilege log in the public record within five days.

F. ECF No. 1245 (Epic's Objections)

Epic's objections concerning Entries 9198 and 9799 are **OVERRULED**.

Epic's objection concerning Entry 9601 is **SUSTAINED**.

The dispute as to Entry 11569 is moot, as Apple states it will produce it without redaction.

With respect to the motion to seal at ECF No. 1247, Apple's proposed order at ECF No. 1282-3 is **GRANTED**.

G. ECF No. 1255 (Epic's Objections)

Epic's objections concerning Entries 4797, 4799 and 4800 are **OVERRULED**.

Epic's motion to seal at ECF No. 1256 is **DENIED** as moot, as Apple has filed the document in the public record.

H. ECF No. 1294 (Apple's Objections)

Apple's objection concerning Entry 346 is **OVERRULED**.

As to Entry 462, Apple may redact the message from John Gould and nothing else.

I. ECF No. 1296 (Epic's Objections)

The parties have resolved their dispute as to Entries 176 and 239.

Epic's objections concerning Entries 224, 5108, 8004, 2321, 2322 and 2323 are **OVERRULED**.

With respect to the motion to seal at ECF No. 1297, Apple's proposed order at ECF No. 1337-3 is **GRANTED**.

J. ECF No. 1301 (Apple's Objections)

Apple's objections concerning Entries 10781, 10886, 10904, 7905, 6755, 85 and 184 are **OVERRULED**.

Apple's objections concerning Entries 12136 and 535 are **SUSTAINED**.

Apple's motion to seal at ECF No. 1300 is **GRANTED**. Apple shall file the redacted privilege log in the public record within five days.

K. ECF No. 1322 (Apple's Objections)

Apple's objections concerning Entries 2335 and 173 are **OVERRULED**.

Apple's objection concerning Entry 5 is **SUSTAINED**.

Apple's motion to seal at ECF No. 1321 is **GRANTED**. Apple shall file the redacted privilege log in the public record within five days.

L. ECF No. 1332 (Epic's objections)

The parties have resolved their dispute concerning Entries 1706, 1560 1707, 10733, 1703, 1624 and 1643. The dispute as to Entry 1642 is moot, as Apple has agreed to produce it without redaction.

Epic's objections concerning Entries 1623, 1625 and 1626 are **SUSTAINED**.

With respect to the motion to seal at ECF No. 1333, Apple's proposed order at ECF No. 1364-2 is **GRANTED**. Apple shall file the unredacted Exhibit F and the redacted Exhibits A-E and G in the public record within five days.

M. ECF No. 1335 (Apple's Objections)

Apple's objections concerning Entries 1540, 561, 753, 755, 10511, 10512 and 10444 are **OVERRULED**.

Apple's motion to seal at ECF No. 1334 is **GRANTED**. Apple shall file the redacted privilege log in the public record within five days.

N. ECF No. 1354 (Epic's Objections)

The parties have resolved their dispute as to Entries 2344, 1524, 590 and 5154, as Apple has agreed to produce them.

Epic's objections concerning Entries 33, 422, 7687 and 606 are **OVERRULED**.

With respect to Entry 1629, Apple's redactions highlighted in the document lodged with the Court are acceptable. Apple shall produce this document with those redactions.

With respect to the motion to seal at ECF No. 1353, Apple's proposed order at ECF No. 1377-3 is **GRANTED**.

O. ECF No. 1358 (Apple's Objections)

Apple's objections concerning Entries 910, 1814 and 1825 are **OVERRULED**.

Apple's motion to seal at ECF No. 1357 is **GRANTED**. Apple shall file the redacted privilege log in the public record within five days.

P. ECF No. 1360 (Epic's Objections)

Epic's objections concerning Entries 1650, 1672 and 10814 are **OVERRULED**.

With respect to Epic's motion to seal at ECF No. 1361, Apple's proposed order at ECF No. 1382-3 is **GRANTED**.

Q. ECF No. 1362 (Epic's Objections)

Epic's objections concerning Entries 10932, 10960, 10976, 10974 and 11061 are **SUSTAINED**.

Epic's objections concerning Entries 10952 and 861 are **OVERRULED**.

With respect to Epic's motion to seal at ECF No. 1363, Apple's proposed order at ECF No. 1383-2 is **GRANTED**. Apple shall file the redacted exhibits in the public record within five days.

R. ECF No. 1375 (Epic's Objections)

The Court is unable to locate Apple's notice of lodging at ECF No. 1391 and **ORDERS** Apple to lodge it with the Court again within two days. The lodging must be clear on its face that it is a replacement for ECF No. 1391.

S. ECF No. 1380 (Apple's Objections)

Apple's objections concerning Entries 1468, 1514, 1555, 1557 (Epic says it is Entry 1577; the Court is referring to PRIV-APL-EG_00163335), 1589, 1595, 1611, 1674, 1732, 1795, 1888 and 2136 are **OVERRULED**.

Apple's objection concerning Entry 1665 is **SUSTAINED**.

Apple's motion to seal at ECF No. 1379 is **GRANTED**. Apple shall file the redacted privilege log in the public record within five days.

T. ECF No. 1385 (Epic's Objections)

Epic's objections concerning Entries 2652, 832, 961, 11222, 11244 and 819 are **OVERRULED**.

Apple's motion to seal at ECF No. 1413 is **GRANTED**. Apple shall file the redacted privilege log in the public record within five days.

U. ECF No. 1387 (Epic's Objections)

Epic's objections concerning Entries 2076 and 2090 are **OVERRULED**.

Epic's objections concerning Entries 2115, 2122 and 2124 are **SUSTAINED**.

With respect to the motion to seal at ECF No. 1388, Apple's proposed order at ECF No. 1416-3 is **GRANTED**.

V. ECF No. 1394 (Epic's Objections)

Epic's objection concerning Entry 127 is **OVERRULED**.

With respect to the motion to seal at ECF No. 1395, Apple's proposed order at ECF No. 1419-3 is **GRANTED**.

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

2
3

4

5

6
7

8

10

11